

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VERONICA TURNER and KEVIN TURNER	:	CIVIL ACTION
	:	
	:	NO. 2:24-cv-715
<i>Plaintiffs,</i>	:	
v.	:	
	:	
AVCO CORPORATION,	:	
TEXTRON, INC.,	:	
JAMES T. SMITH, ESQUIRE,	:	
REBECCA WARD, ESQUIRE and	:	
HEIDI G. CRIKELAIR, ESQUIRE	:	
	:	
<i>Defendants.</i>	:	

PLAINTIFFS’ SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF THEIR MOTION SEEKING DISQUALIFICATION OF COUNSEL
AND SANCTIONS FOR IMPROPER *EX PARTE* CONTACT WITH EXPERT WITNESS

Plaintiffs, by and through the undersigned counsel, hereby supplement the foregoing Motion (ECF 130) as follows:

1. On September 25, 2024, Plaintiffs moved to disqualify counsel for Individual Defendants James Smith, Esquire, Rebecca Ward, Esquire, and Heidi Crikelair, Esquire, as well as for an Order entering sanctions for counsel’s deliberate *ex parte* contact and interference with Plaintiffs’ psychiatric expert.
2. Since the foregoing filing, Plaintiffs have been able to contact Richard S. Goldberg, MD, LFPFA (“Dr. Goldberg”) and have obtained additional information pertinent to the Motion.
3. The *ex parte* voice mail to Dr. Goldberg was left by Jeffrey Rosenthal, Esquire of Blank Rome LLP. A transcription of the voice mail is attached hereto as Exhibit “1.” The audio recording is also available.
4. The voice mail was left on September 23, 2024, acknowledged that Attorney

Rosenthal was aware Dr. Goldberg was serving as an expert witness for Plaintiffs, asked if there was an intention to supply Mr. Rosenthal with documents and if so when that would occur, provided Dr. Goldberg with Attorney Rosenthal's direct dial telephone number, and stated "*feel free to call me back.*" See Exhibit "1" (emphasis added).

Respectfully submitted,

S/ Wayne A. Ely

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September 27, 2024

EXHIBIT 1

Transcription

"Hi, this is a message for Dr. Goldberg
My name is Jeffrey Rosenthal . I'm
calling regarding the Turner versus
Avator which you're serving as an
expert . I represent the individual
defendants and I'm going to follow
up with a subpoena that was served
on your office last Monday . Saw your
phone regarding independent
evaluation of Miss Veronica Turner
was appointed on July 5, 20 2 4
calling to confirm you received a
subpoena that was served and ask
whether you intend to supply any
documents response if so when we
can expect to receive that material
feel free to call me back at 2 1 5- 5 6
6- 9 5 5 5 3 2 1 5 5 6 9 5 5 5 3 again
my name is Jeffrey Rosenthal thanks
so much..."